

IN THE
Supreme Court of the United States

October Term, 1971

No. 70-18

JANE ROE, JOHN DOE, and MARY DOE,

Appellants,

JAMES HUBERT HALLFORD, M. D.

Appellant-Intervenor,

v.

HENRY WADE,

Appellee.

On Appeal from the United States District Court
for the Northern District of Texas

No. 70-40

MARY DOE, *et al.*,

Appellants,

v.

ARTHUR K. BOLTON, *et al.*,

Appellees.

On Appeal from the United States District Court
for the Northern District of Georgia

**MOTION FOR LEAVE TO FILE A BRIEF WITH
BRIEF AS *AMICI CURIAE* FOR PLANNED
PARENTHOOD FEDERATION OF AMERICA,
INC. and AMERICAN ASSOCIATION OF
PLANNED PARENTHOOD PHYSICIANS**

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Supreme Court, U.S.
FILED

OCT 12 1971

E. ROBERT SEAVER, CLERK

MOTION FILED

AUG 11 1971

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**MOTION FOR LEAVE TO FILE A BRIEF AS
AMICI CURIAE**

Planned Parenthood Federation of America, Inc., here-
inafter called "Planned Parenthood," and the American

Association of Planned Parenthood Physicians, hereinafter called "AAPPP," hereby respectfully move for leave to file a brief annexed hereto as *amici curiae* in these cases.

The appellants consented in writing to the filing of this *amici* brief. The states of Georgia and Texas have declined to consent thereto.

Planned Parenthood Federation of America, Inc., is a not-for-profit corporation originally organized in 1922 and existing under the laws of the State of New York. Its headquarters are in New York City. It is the leading national voluntary public health organization in the field of family planning and birth control and a leading national organization in the field of educating the public concerning the danger to the United States and the world inherent in continuing population growth.

As of May, 1971, Planned Parenthood had 190 affiliates in 42 states and the District of Columbia, operating approximately 700 family planning clinics offering services to the public. Planned Parenthood provides its affiliates guidance in the areas of birth control, voluntary sterilization, treatment of infertility problems, abortion and education for marriage and parenthood. Each of the affiliates functions under strict medical standards promulgated by the National Medical Advisory Committee in conjunction with local medical advisory committees, all such committees consisting exclusively of physicians.

Planned Parenthood also functions as a clearing house for information and services relating to these same areas. It formulates nationwide medical and clinical standards and is active in developing guidelines and materials relating to public and professional education in this field. Its Medical Director and other consultants confer with medical school faculties and local agencies in relation to teaching techniques, formation of clinics and the like.

Many of Planned Parenthood's affiliates operate in cooperation with local public health facilities. The affiliates are also teaching and training centers for physicians, nurses, teachers and social workers and provide for referral services to qualified medical specialists.

Planned Parenthood's concern with family planning and family health necessarily includes concern with the availability of abortion and with the compelling problems which result from restrictive abortion laws which make medically safe, legal abortions unavailable to many women. Planned Parenthood has adopted a policy on abortion which states in part:

"The optimum method of birth control is the consistent employment of effective contraception but in practice this goal is sometimes not achieved. It is, therefore, desirable that provisions respecting abortion not be contained in State Criminal Codes. Planned Parenthood believes that since abortion is a medical procedure, it should be governed by the same rules as apply to other medical procedures in general when performed by properly qualified physicians with reasonable medical safeguards."

This commitment to the principle that safe abortions should be available to all who seek them is a necessary corollary of Planned Parenthood's activities in the area of birth control. While Planned Parenthood does not view abortion as an alternative to contraception, it recognizes that abortion services are essential to protect women where contraception is unavailable, where it has not been used or where it has failed. Planned Parenthood believes that abortions must also be available to women who have been raped and in cases where the fetus may be deformed as a result of the mother's exposure to rubella, her use of drugs which affect fetal development or as a result of other factors.

Each year a number of the patients served by Planned Parenthood affiliates (in Georgia and Texas as well as in other states) experience unwanted pregnancies, often due to contraceptive failure. Contraceptive technology has not developed to a point where there is any perfect contraceptive and many of the techniques available to particular women do on occasion fail. Also, many women do not have

effective access to contraception. There are, therefore, vast numbers of unwanted pregnancies each year which do not involve failure of use or motivation on the part of the patient.

Throughout the United States many patients who experience unwanted pregnancies seek abortion services from the Planned Parenthood clinics, especially those women who have looked to those clinics for contraceptive services. Because of the Georgia and Texas abortion laws challenged herein, and similarly restrictive laws on the books in other states, the activities of Planned Parenthood affiliates are severely circumscribed and they are unable to provide patients with the medical services they urgently need.

The American Association of Planned Parenthood Physicians (AAPPP) was organized in 1963. As of May, 1971, its membership consisted of 650 physicians specializing in obstetrics and gynecology and having a special interest in the various aspects of human reproduction. Many such physicians are connected with Planned Parenthood affiliates, health departments, hospitals and other agencies; others are primarily private practitioners.

Papers presented at AAPPP conventions are published in *Advances in Planned Parenthood*. The 1970 volume reached 5,000 doctors, thus sharing the experience, studies and ideas of AAPPP physicians with other non-member doctors engaged in providing family planning services.

AAPPP adopted a resolution on abortion at its 1970 annual meeting which states in part:

"The American Association of Planned Parenthood Physicians supports the principle that the decision whether or not to bear children is a right which belongs solely to each individual woman, to be exercised by her in any manner she may desire.

Consequently the decision to undergo legal abortion, as one method of exercising this right, must rest with the individual woman and her physician.

Therefore, the American Association of Planned Parenthood Physicians strongly urges the abolition of all statutes and criminal laws which in any way restrict the performance of abortion by qualified medical personnel."

AAPPP believes that restrictive abortion statutes not only impair rights of women to receive medical treatment for abortion and to determine whether to bear children, but also interfere with the practice of good medicine by preventing physicians from providing their patients with a safe medical procedure which is often necessary for the health and well-being of the patient.

Both Planned Parenthood and the AAPPP by reason of their long experience in and knowledge of the field of family planning services believe that they are in a unique position to aid the Court in its resolution of the issues raised in these cases. Both organizations have a profound interest in vindicating the constitutional right of all women to have access to qualified medical services for abortion, insuring that no woman is denied her freedom to choose whether or not to bear a child, and establishing the right of physicians to provide the best available medical service to their patients.

Therefore, Planned Parenthood and AAPPP respectfully request that the Court grant this motion for leave to file the annexed brief *amici curiae*.

Respectfully submitted,

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